



PUBLIC NOTICE

Federal Communications Commission
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DA 18-153

Released: February 15, 2018

NOTICE OF NON-STREAMLINED DOMESTIC 214 APPLICATION GRANTED

WC Docket No. 17-367

By this Public Notice, the Wireline Bureau Competition Bureau (Bureau) grants, pursuant to section 214 of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.03 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 63.03, the domestic wireline application filed by MassComm, Inc. d/b/a MASS Communications (MassComm) and Windstream Services, LLC (Windstream) (collectively, Applicants), requesting consent for the transfer of control of MassComm to Windstream.¹ On January 10, 2018, the Bureau released a Public Notice requesting comment on the Application.² No comments were filed in opposition to a grant of the Application.

MassComm, a New York corporation, provides competitive local exchange carrier (LEC) service and/or interexchange service, among other services, to mid-sized enterprise customers in California, Connecticut, the District of Columbia, Florida, Illinois, Massachusetts, Michigan, New York, Pennsylvania, and Texas.³ Applicants state that MassComm does not own any last-mile facilities.⁴ Windstream, a Delaware limited liability company, is a wholly owned subsidiary of Windstream Holdings, Inc., a publicly traded Delaware corporation. Windstream, through its operating companies, provides telecommunications services as an incumbent LEC to approximately 1.4 million residential customers primarily in rural areas and also provides services as a competitive LEC.⁵ Applicants stated

¹ 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application for Consent to Transfer Control of Domestic Common Carrier Transmission Lines, Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 17-367 (filed Dec. 27, 2017) (Application). Applicants filed supplements to their domestic section 214 application on January 8 and 10, 2018. Letter from Randall W. Sifers, Counsel to Windstream Services, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-367 (filed Jan. 8, 2018); Letter from Randall W. Sifers, Counsel to Windstream Services, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-367 (filed Jan. 10, 2018) (Windstream Jan. 10 *Ex Parte* Letter). Applicants also filed applications for the transfer of authorizations associated with international services. A grant of the Application is without prejudice to Commission action on other related, pending applications.

² *Domestic Section 214 Application Filed for the Transfer of Control of MassComm, Inc. d/b/a Mass Communications to Windstream Services, LLC*, Public Notice, DA 18-29, WC Docket No. 17-367 (WCB Jan. 10, 2018).

³ Application at 3.

⁴ *Id.* at 3-4.

⁵ *Id.* at 2-3.

that Windstream's incumbent LEC operations and MassComm's competitive LEC operations do not overlap in the major metropolitan areas in which they provide service.⁶

The Bureau finds, upon consideration of the record, that grant of the Application will serve the public interest, convenience, and necessity and therefore grants the requested authorization.⁷ Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the consent granted herein is effective upon the release of the Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice. For further information, please contact Myrva Charles at 202-418-1506 or Gregory Kwan at 202-418-1191, Competition Policy Division, Wireline Competition Bureau.

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⁶ Windstream Jan. 10 *Ex Parte* Letter at 1.

⁷ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Red 5517, 5529, para. 22 (2002).